IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

CHAMBER SUMMONS NO.1022 OF 2004
IN
APPEAL NO.278 OF 1999
IN
ARBITRATION PETITION NO.206 OF 1997
IN
AWARD NO.45 OF 1997

M/s.Protocol .. Appellant

v/s.

M/s.Oswal Bandhu & Co. & anr. .. Respondents

and

Smt.Suraj Kanwar w/o.Late Shri
Laddu Ram & ors. .. Proposed Respondents

Ms. S.Kumbhat i/by Mr.Vinay Rathi for appellant.

CORAM : R.M.LODHA AND
J.P.DEVADHAR, JJ.

DATED : 18th October, 2004

P.C.

The respondent No.2 is reported to be dead and by this chamber summons taken out on 17th July, 2004, it is prayed that delay in making the application for substitution be condoned, abatement be set aside and the legal representatives of deceased respondent No.2 be allowed to be brought on record. The legal heirs of deceased respondent No.2 have been served according to the learned counsel for the appellant. However, nobody appears for them.

2. In the circumstances and for the reasons stated in the affidavit in support of the chamber summons, we are inclined to grant chamber summons in terms

of prayers (A), (B) and (C). Prayers (A), (B) and

(C) read thus-

A) That this Hon'ble Court be pleased to set aside the abatement, if any, in the above mentioned matter.

B) That this Hon'ble Court be pleased to condone 676 days of delay in preferring the above mentioned chamber summons for bringing the legal heirs on record of deceased respondent No.2 Shri Laddu Ram Jain.

C) That this Hon'ble Court be pleased to allow the appellants to bring the legal heirs on record as stated in the schedule annexed hereto in the above mentioned appeal proceedings.

3. Order accordingly.

4. Necessary amendment be carried out in the cause title of the appeal within two weeks from today and notice to the newly added respondent is made returnable after eight weeks. Service on newly added respondent may be effected by ordinary process as well as by registered post and through courier.

(R.M.LODHA, J.)

(J.P. DEVADHAR, J.)